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IN THE HIGH COURT OF JUDICATURE AT BOBBY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No.8869 OF 2005

Office notes, office memoranda of coram, appearances, Court's orders directions & Registrar's orders	:	Court's or Judge's order

Mr. D.S. Patil, Advoate for the petitioner

Mrs. M.P. Thakur, AGP for for respondent Nos. 1 2 & 5.

CORAM: F.I. REBELLO,
AND
R. V. MORE, JJ.

DATE : JANUARY 15, 2007.

P.C.:

. The petitioner got admission in engineering college against reserved seat, on the basis that he belongs to Mahadeo Koli caste. The certificate was sent for validation to the respondent no.2 Scheduled Tribe Certificate Scrutiny Committee. Caste Committee found out that the school entries in respect of applicant's

grand father, two brothers of grand father and sister of grand father recorded him as Koli or Hindu from 1931 to 1958. All these documents are before the issuance of the Presidential order, which in terms of the judgment of the Apex Court in **Madhuri Patil**, have high probative value. No other material has been placed before us to rebut those entries.

2. The learned counsel for the petitioner states that petitioner is doing 3rd year and he should be protected. Even in **Madhuri Patil’**s case, Apex Court did not give protection to the second sister. The Supreme Court

in **Bank of India's case** , has now taken a view that a benefit obtained under a caste certificate which is a creature of fraud, the petitioner cannot be entitled to continue the benefit of the same. The judgment in **Milind Katware** has been explained. In the instant case, we are clearly of the view that the document is a creature of fraud and the petitioner should not be allowed to take advantage of such fraud. In the light of that, we are not inclined to grant any protection. Consequently, petition is dismissed.

[R. V. MORE, J.] **[F. I. REBELLO, J.]**